

## REMARKS

Claims 1-28 are pending in the instant application. Claims 2-4, 6-12, 15-16 and 19-27 have been withdrawn from consideration pursuant to the Examiner's Restriction Requirement dated 25 May 2004. In the Office Action, claims 1, 5, 13-14 and 27-28 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Pat. No. 5,784,038 to Irwin (hereinafter, "Irwin"), in view of U.S. Pat. No. 6,738,104 to Marshall (hereinafter, "Marshall"). Claims 17-18 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over Irwin, in view of Marshall, and further in view of U.S. Pat. No. 6,621,488 to Takeuchi, et al. (hereinafter, "Takeuchi"). Applicant respectfully traverses the rejections for at least the reasons set forth below.

Independent method claim 1 and apparatus claim 5, each recite, *inter alia*, steps or structure including four adjacent pixels having four different color/achromatic illuminating lights, and that the colors of the illuminating lights within the four-pixel unit are switched in each successive field period. Accordingly, as disclosed in the specification, if a viewer were to abruptly shift their line of sight, they would not perceive a flickering primary color, as is often the case with display systems according to the prior art, including those of a class to which Irwin is a member. The Office Action avers that Irwin discloses the recited feature, in Figs. 1a-c, and Col. 1, lines 19-48. Applicant respectfully disagrees.

The cited portion of Irwin disclose, by way of prior art background, that a display 10 has pixels 12 including subpixels 11, 13, 15, 17. However, there is no teaching or suggestion there that the colors of the illuminating lights within the four-pixel unit are switched in each successive field period. The Office Action appears to conflate the subpixels and pixels of Irwin as convenient to attempt to meet the claim. For example, the Office Action asserts that the switching colors of illuminating lights is met by the active matrix nature of adjacent pixels (12),

however it reads subpixels 11, 13, 15, 17 on the pixels recited in the claims. Considering, as the Office Action does, the subpixels of Irwin as reading on the four adjacent pixels as a unit recited in the claim, it is apparent that there is no provision in Irwin for the colors of the subpixels to be switched in each, or in fact in any, successive field period. For example, Irwin teaches that the red, green and blue subpixels are coated with an appropriate dye selected to pass light of the corresponding color. Accordingly, the color pattern of each pixel is constant, and not changed in each field period, as recited in the claims.

Turning to Marshall, the reference discloses a sequential color projection where each field is displayed in the order of red, green, blue and white. Similarly, Fig. 3 of Irwin discloses a sequential type color projection system employing color wheels. However, Marshall does not offer, nor is it even alleged to, any teaching or suggestion to ameliorate this deficiency of Irwin relative to the claims, specifically, the interchange of the color pattern in each pixel within a four pixel unit.

It has been held by the courts that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. See *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). As illustrated above, neither Irwin, nor Marshall, taken alone or in any combination, teaches or suggest all recited features of the claims. Therefore, Applicant respectfully submits that the claims are patentably distinguished over the references. For at least this reason, favorable reconsideration and withdrawal of the rejections is kindly requested.

Turning to claim 13, the claim recites an apparatus comprising, inter alia, a display device having a matrix of pixels and a condensing lens disposed on a surface thereof for applying illuminating light in association with every four pixels of said matrix. However, as disclosed in

Marshall, the condensing lens (or pair 131, 136) is provided as one unit for the projection device, not as one lens for each four pixels as a unit. Therefore, even if there were some motivation to combine the condenser lens of Marshall with the display device of Irwin, the resulting combination would still not reach the claimed invention. See, *Royka, supra*. Favorable reconsideration and withdrawal of the rejection is kindly requested.

Claims 14, 17-18 and 27-28 each depend either directly or indirectly, from independent claim 13. These dependent claims are each separately patentable, but are offered as patentable for at least the same reasons as their underlying independent base claims. Therefore, favorable reconsideration and withdrawal of the rejection of dependent claims 14, 17-18 and 27-28 is kindly requested.

Further, Applicant reiterates its position that claims 1, 5, and 13 are in fact generic to the identified species, taken in the election filed 25 June 2004 responsive to the Restriction Requirement. In light of the patentability of generic claims 1, 5 and 13, Applicant kindly requests a rejoinder and indication of allowability of all claims.

In the interest of brevity, Applicant has addressed only so much of the rejection(s) as is considered necessary to demonstrate the patentability of the claim(s). Applicant's failure to address any part of the rejection should not be construed as acquiescence in the propriety of such portions not addressed. Applicant maintains that the claims are patentable for reasons other than these specifically discussed, *supra*.

In light of the foregoing, Applicant respectfully submits that all claims recite patentable subject matter, and kindly solicits an early indication of allowability of all claims. If the Examiner has any reservations in allowing the claims, and believes that a telephone interview

would advance prosecution, he is kindly requested to telephone the undersigned at an earliest convenience.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David J. Torrente", with a long horizontal flourish extending to the right.

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